City of San Antonio Board of Adjustment

Regular Public Hearing Agenda

Monday, November 19, 2012

1:00 P.M.

Cliff Morton Development and Business Services Center, Board Room

Anytime during the public hearing, the Board of Adjustment may meet in Executive Session to consult on attorney-client matters (real estate, litigation, personnel and security matters), as well as to discuss any of the agenda items. This notice was posted on the Planning and Development Services Department website (www.sanantonio.gov/dsd), and the City Hall kiosk, at least seventy-two (72) hours prior to this public hearing, in complaince with the Texas Open Meetings Act.

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1. **1:00 PM** - Public Hearing – Call to Order

2. Roll Call

3. Pledges of Allegiance

4. **A-12-054A:** The request of Hunter's Pond, LP for 1) a 3-foot variance from the minimum 8-foot porch depth and 2) a variance from the minimum porch length of 50 % of the front facade to allow 5-foot deep by 8-foot long porches on 62 proposed new homes located between 10318-10734 Goose Way & 10702-10727 Butterfly Pass. (Council District 3)

5. **A-13-002:** The request of Phil Lane, General Manager of KSAT, for 1) a 4-foot variance from the maximum 4-foot fence height to allow an 8-foot predominately open fence in the front yard, 2) a variance from the requirement for 80% frontage build-out, 3) a variance from the maximum 12-foot front setback, 4) a variance from the maximum12-foot side setback, 5) a variance from the prohibition against parking in the first lot layer and the requirement that parking be screened and 6) a variance from building disposition standards shown in UDC Tables 35-209-11 and 35-209-18 to allow demolition, renovation and construction of a two-story 14,000 square foot addition attached to and in line with the original building located at 1408 North St. Mary's Street. (Council District 1)

6. **A-13-003:** The request of George N. Ryan, Texas Neon Advertising, for 1) a 124 square-foot variance from the 500 square-foot maximum size allowed for a multiple tenant freestanding sign along a "Type A" Arterial in order to allow a multiple tenant sign 624 square feet in size; and 2) a 106-foot variance from the 150-foot minimum spacing distance for freestanding signs on a single lot in order to allow two freestanding signs within 44 feet of each other located at 9160, 9240, & 9290 Guilbeau Road. (Council District 7)

7. Approval of the minutes – October 29, 2012

8. Adjournment

ACCESSIBILITY STATEMENT - This meeting site is accessible to persons with disabilities. Parking is available. Auxiliary aids and services, including Deaf interpreters, must be requested forty-eight [48] hours prior to the meeting. For assistance, call (210) 207-7245 or 711 (Texas Relay Service for the Deaf).

DECLARACIÓN DE ACCESIBILIDAD – Este lugar de la reunión es accesible a personas incapacitadas. Se hará disponible el estacionamiento. Ayudas auxiliares y servicios y interpretes para los sordos se deben pedir con cuarenta y ocho [48] horas de anticipación al la reunión. Para asistencia llamar a (210) 207-7245 o al 711 (servicio de transmitir para sordos).

Board of Adjustment Membership

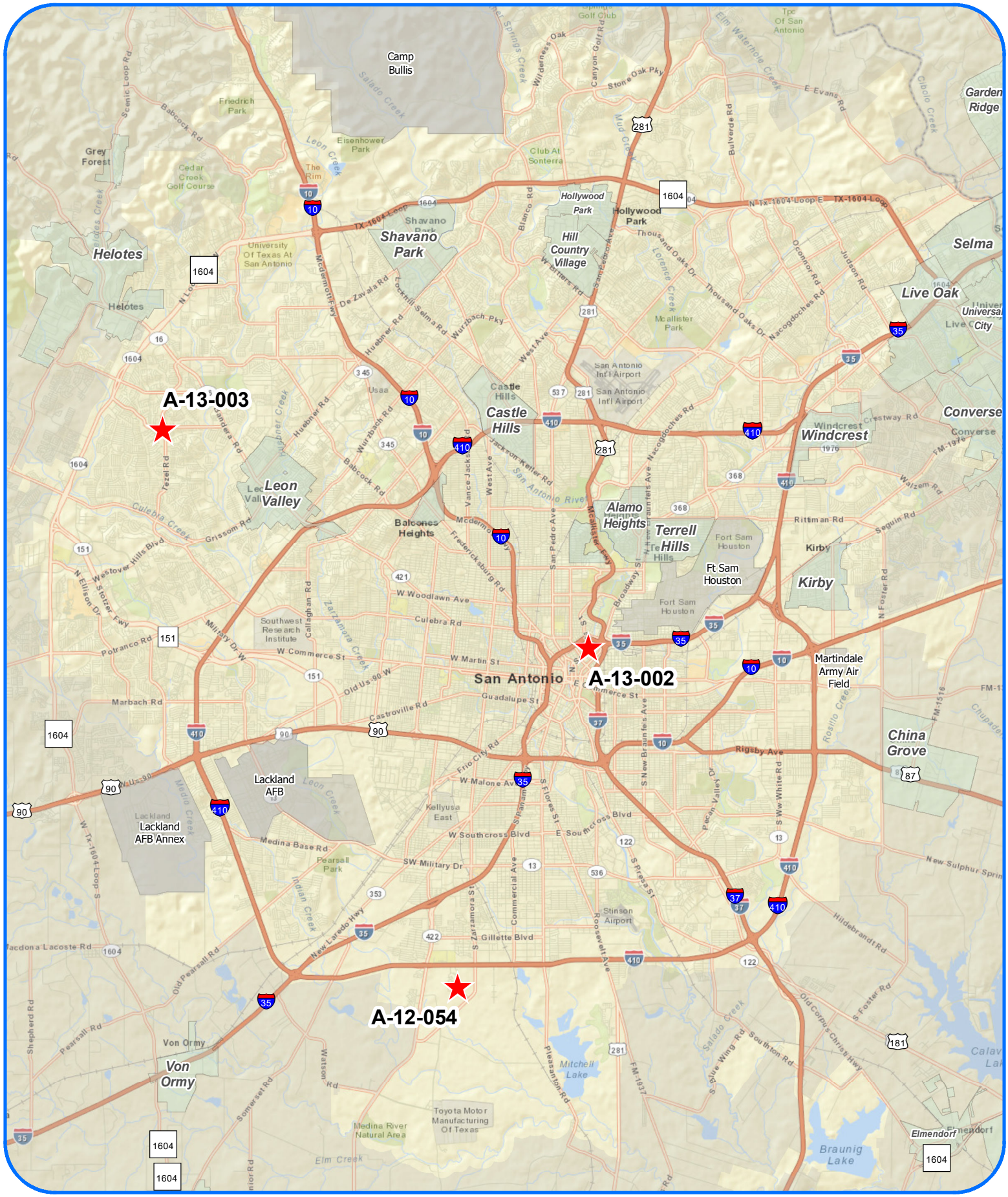
Michael Gallagher Distict 10, Chair *Andrew Ozuna District 8, Vice Chair*

Frank Quijano, District 1 ● Edward Hardemon, District 2 ● Helen Dutmer District 3 ● George Britton, District 4

Vacancy, District 5 ● Jesse Zuniga, District 6 ● Mary Rogers, District 7 ● David Villyard, District 9 ● Gene Camargo, Mayor

Alternate Members

Harold O. Atkinson ● Maria D. Cruz ● Paul E. Klein ● Marian M. Moffat ● Henry Rodriguez ● Steve G. Walkup



Board of Adjustment

Subject Property Locations
Cases for 19th November 2012

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Development Services Dept.
City of San Antonio
19th November 2012

City of San Antonio
Development Services Department
Staff Report

To:	Board of Adjustment
Case No.:	A-12-054A
Date:	November 19, 2012
Applicant:	Hunter's Pond, L.P.
Owner:	Hunter's Pond, L.P.
Location:	10318-10734 Goose Way & 10702-10727 Butterfly Pass
Legal Description:	62 vacant lots in blocks 8, 13, 14, 21, 22, 23, NCB 18098
Zoning:	"UD AHOD" Urban Development Airport Hazard Overlay District
Prepared By:	Margaret Pahl, AICP Senior Planner

Request

The applicant is requesting 1) a 3-foot variance from the minimum 8-foot porch depth; and 2) a variance from the minimum porch length of 50 % of the front facade to allow 5-foot deep by 8-foot long porches on 62 new homes.

Procedural Requirements

A zoning variance is a decision vested with the Board of Adjustment, according to Section 35-482 of the Unified Development Code ("UDC"). The request must be publicly noticed in accordance with Section 35-403 of the UDC. Notices were sent to property owners within two hundred (200) feet of the subject property on November 1, 2012. The application details were published in The Daily Commercial Recorder, an official newspaper of general circulation, on November 2, 2012. Additionally, notice of this meeting was posted at City Hall and on the City's internet website on November 16, 2012, in accordance with Section 551.043(a) of the Texas Government Code.

Executive Summary

The owner of the remaining vacant lots in the Hunter's Pond subdivision came before the Board of Adjustment in July of 2012 requesting a variance from the porch standards described in the UDC for homes within the UD zoning district. Section 35-310.15 specifies: *At least seventy (70) percent of the single-family housing units along a single block face shall front the street and have front porches of at least eight (8) feet in depth along at least fifty (50) percent of the entire front facade of the house, including the garage width.* The ordinance also defines porches as *a roofed area attached to or part of and with direct access to or from a structure and usually*

located on the front or side of the structure. In that application, the owner sought approval for a variance to construct porches as small as 4-feet deep and 5-feet long. The request was not approved. Instead, some of the Board members discussed a compromise porch dimension of at least 5-feet deep by 8-feet long. During this discussion, this dimension was proposed as the smallest useable porch space, allowing room for door swing as well as seating. The applicant has returned with a revised variance application matching these dimensions, requesting approval to reduce the required depth of the porches from 8-feet to 5-feet and shorten the coverage across the front facade from 50% of the façade to a minimum of 8-feet in length. A casual survey of existing porches found several 16-feet in length with the 8-foot width intermittently reduced by both bay windows and thick columns.

In addition, of particular note is an evaluation conducted pursuant to a bill out of the 2011 State Legislative Session of the progress and effectiveness of the City South Management Authority. This agency is a special management authority with jurisdiction over 63 square miles along the southern edge of the City. Some of the land is within the City limits like the Hunter's Pond area, but much of it is in the unincorporated County. The master planning for City South, adopted in 2003, was instrumental in the adoption of the Urban Development "UD" zoning district and its focus on urban design. During the district's creation, the economy was booming and the area was predicted to house a large percentage of future growth. The evaluation however found that the pace of growth in the area was significantly slowed by numerous factors. While the national downturn in the economy, inconsistent opinions amongst residents/property owners regarding the level of desired development, and the significant floodplain were factors, the study also found that the complex regulatory framework for the land use and zoning contributed to the slowdown in the pace of development. The report concludes: *The vision for City South does not always match existing market conditions creating a mismatch between long-term planning goals and short term real estate trends. The regulatory framework for land use and zoning in City South is complex and confusing; exacerbating the perception that development in City South is not worth pursuing.* The report goes on to suggest that the development community monitors the Hunter's Pond project to determine what the market will support in terns of cost, design and amenities.

Subject Property Zoning/Land Use

Existing Zoning	Existing Use
UD-AHOD Urban Development-Airport Hazard Overlay District	Vacant

Surrounding Zoning/Land Use

Orientation	Existing Zoning District(s)	Existing Use
North	"UD-AHOD" Urban Development	Single-Family Homes
South	"MI-1 AHOD" Mixed Light Industrial	Car Salvage Yard/ Pick & Pull
East	"FBZD" Form Based Zoning District	Vacant
West	"UD-AHOD" Urban Development	Single-Family Homes

Comprehensive Plan Consistency/Neighborhood Association

The Hunter's Pond Subdivision is included within the Heritage South Sector Plan area. The plan was recently prepared and adopted in September of 2010. With anticipated growth and population increases, this sector of San Antonio is expected to experience increased growth and development. The plan included a photograph of existing Hunter's Pond housing and described one housing goal as:

- *Encourage a mix of housing types, including multi-family homes, custom homes, garden homes, and single-family detached homes to provide "life cycle" housing options within the area.*

Additional housing construction in Hunter's Pond is consistent with the goals and objectives of the Sector Plan.

The recently registered neighborhood association was very active in the previous variance application and had visited other existing housing projects to evaluate the proposed porch. After this review, the President visited several homeowners showing photos and discussing the proposed variance. Since that hearing in July, the applicant has visited with the association hoping for their support of the revised request. At a recent meeting, a vote to support failed.

Criteria for Review

According to Section 35-482(e) of the UDC, in order for a variance to be granted, the applicant must demonstrate all of the following:

1. *The variance is not contrary to the public interest*:

Public interest is a central theme used to justify government regulations; it refers to general welfare and common well-being of the population as a whole. The applicant asserts that *the variance will allow the applicant to develop its lots consistent with all other requirements of a "UD" district, provide for development of the subdivision, and will add to the sense of community to homes already existing in the subdivision.* The existing homes, many of which were constructed in 2007 and 2008, will enjoy seeing new homes built in their community and gain marginal property values from revitalized construction activity. Therefore, there is a public interest which may be served by the new construction with the currently proposed larger porches.

2. *Due to special conditions, a literal enforcement of the ordinance would result in unnecessary hardship.*

The specific "UD" zoning district guidelines require a porch on at least 70% of the homes on a block face. The guidelines also specify that the porch span half of the house's linear front wall plane, a typical length of about 16-feet. The ordinance also specifies that the porch be at least 8-feet deep, but an analysis shows that this depth is often interrupted by bulky columns and bay windows. The applicant is requesting approval to construct smaller porches but offering them on all of the homes. The property owner asserts that the extensive design requirements of the UD district have curtailed market interest in the remaining vacant lots. A national builder has offered to re-start housing construction in Hunter's Pond with the requested variance. If housing constructed under the current standards does not match market demand, than enforcement does result in an unnecessary hardship.

3. *By granting the variance, the spirit of the ordinance will be observed and substantial justice will be done.*

The applicant represents "*that the spirit of the ordinance will be observed and substantial justice done as all single-family homes will have porches promoting the sense of community within the development, which is a percentage greater than that currently required by the UDC"*. Granting the variance will generate construction of up to 62 new single-family homes in a neighborhood that has seen very few homes built since 2009. The ordinance requirements were identified in an evaluation as a quantifiable hindrance to new housing growth in the area. This report suggested changes to the ordinance were needed. Therefore, the variance does represent the spirit of the ordinance.

4. *Such variance will not authorize the operation of a use other than those uses specifically authorized for the district in which the property for which the variance is sought is located.*

There is no use variation proposed; only residential uses are planned for construction on the subject properties.

5. *Such variance will not substantially injure the appropriate use of adjacent conforming property or alter the essential character of the district in which the property is located.*

The applicant is requesting the variance for 62 vacant lots on the opposite end of the developed portion of the 400-lot subdivision. This approach will allow a market test case to determine the type of housing demand and the "absorption rate" for new construction within the project. It is anticipated that some of the buyers will opt to further increase the size of the porch, as was shown on the previous series of plans. With this geographical separation, this reduced porch size will not negatively impact the adjacent properties.

6. *The plight of the owner of the property for which the variance is sought is due to unique circumstances existing on the property, and the unique circumstances were not created by the owner of the property and are not merely financial, and are not due to or the result of general conditions in the district in which the property is located.*

A variety of economic circumstances have negatively impacted new housing construction over the last four years. Mortgages have become much more difficult to secure even though the interest rates have never been smaller. A buyer must have more capital to contribute as a down payment, which has reduced the number of buyers and decreased housing prices overall. This trend has had a disproportionate impact on the more affordable housing choices. It has also driven many independent home builders out of business. DR Horton and other large home builders survived the housing market decline, and have continued to sell homes. They have identified a housing product that they determined would succeed in the Hunter's Pond market and have now altered its design in an effort to gain Board approval to begin construction.

A variance can not be based merely on financial reasons and the evidence does not suggest the primary issue is strictly a matter of economics. Relief from the unique design standards of this district is requested because of the narrow lot shape of 40 feet in width. The applicant is suggesting that it is in the public's interest to have a porch of reduced size on all of the homes, rather than the larger porch on 70% of the homes.

Alternative to Applicant's Request

The applicant could seek other builders willing to comply with all of the current provisions of the "UD" zoning district standards or attempt to amend the UDC to reduce the required design provisions.

Staff Recommendation

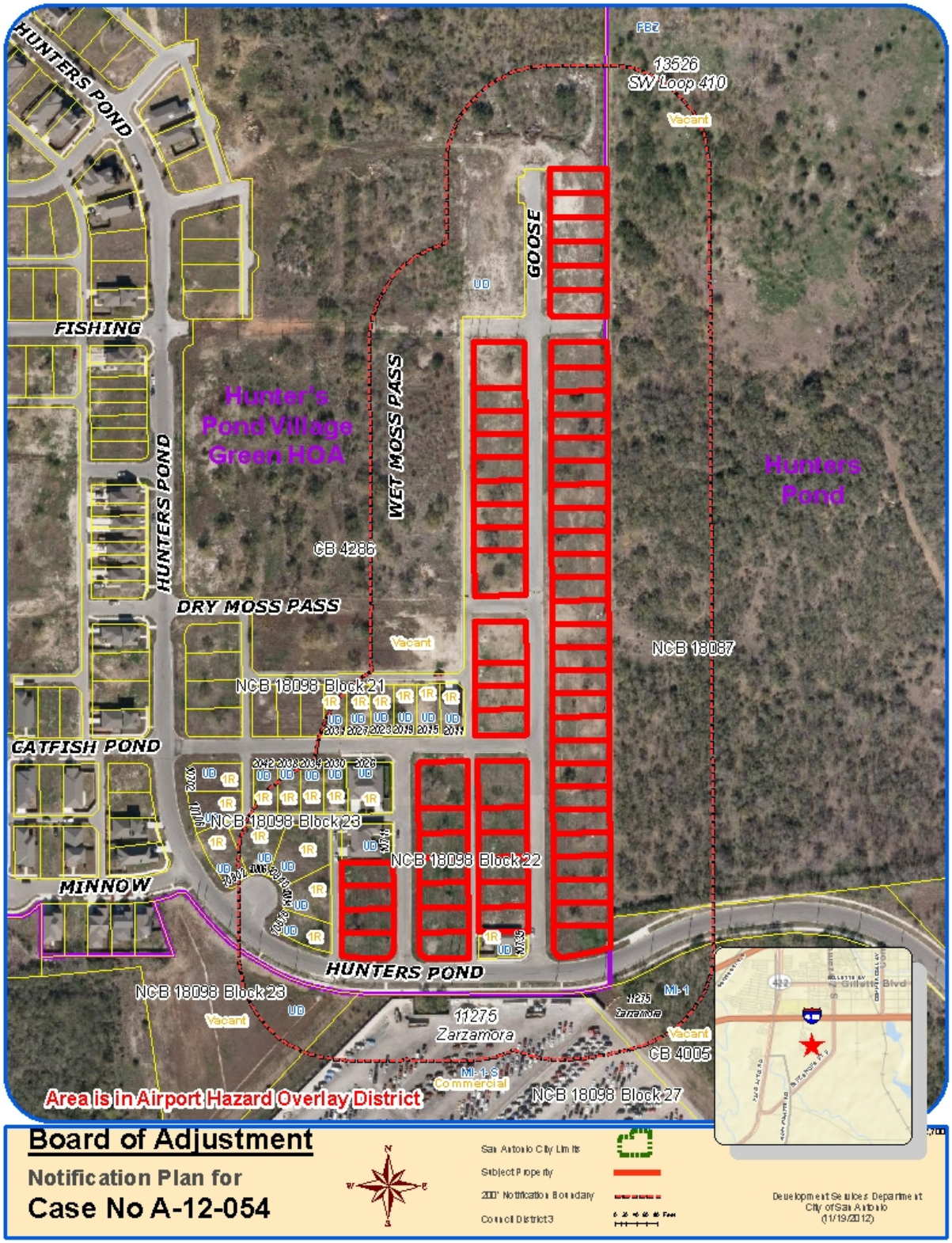
Staff recommends **approval** of the requested variance, A-12-054A, based on the following findings:

1. That the proposed dimension of 5-feet deep by 8-feet long provides a useable porch, consistent with goals and objectives of the UD zoning district;
2. That the housing crisis has dramatically altered the housing market in terms of demand, builders, buyers, affordability, and options;
3. That the applicable lots are geographically separated from the existing homes and will not negatively impact the value of compliant homes; and
4. That an evaluation of growth and development in this area suggested that the complex regulatory framework contributed to a reduction in new housing availability in the area.

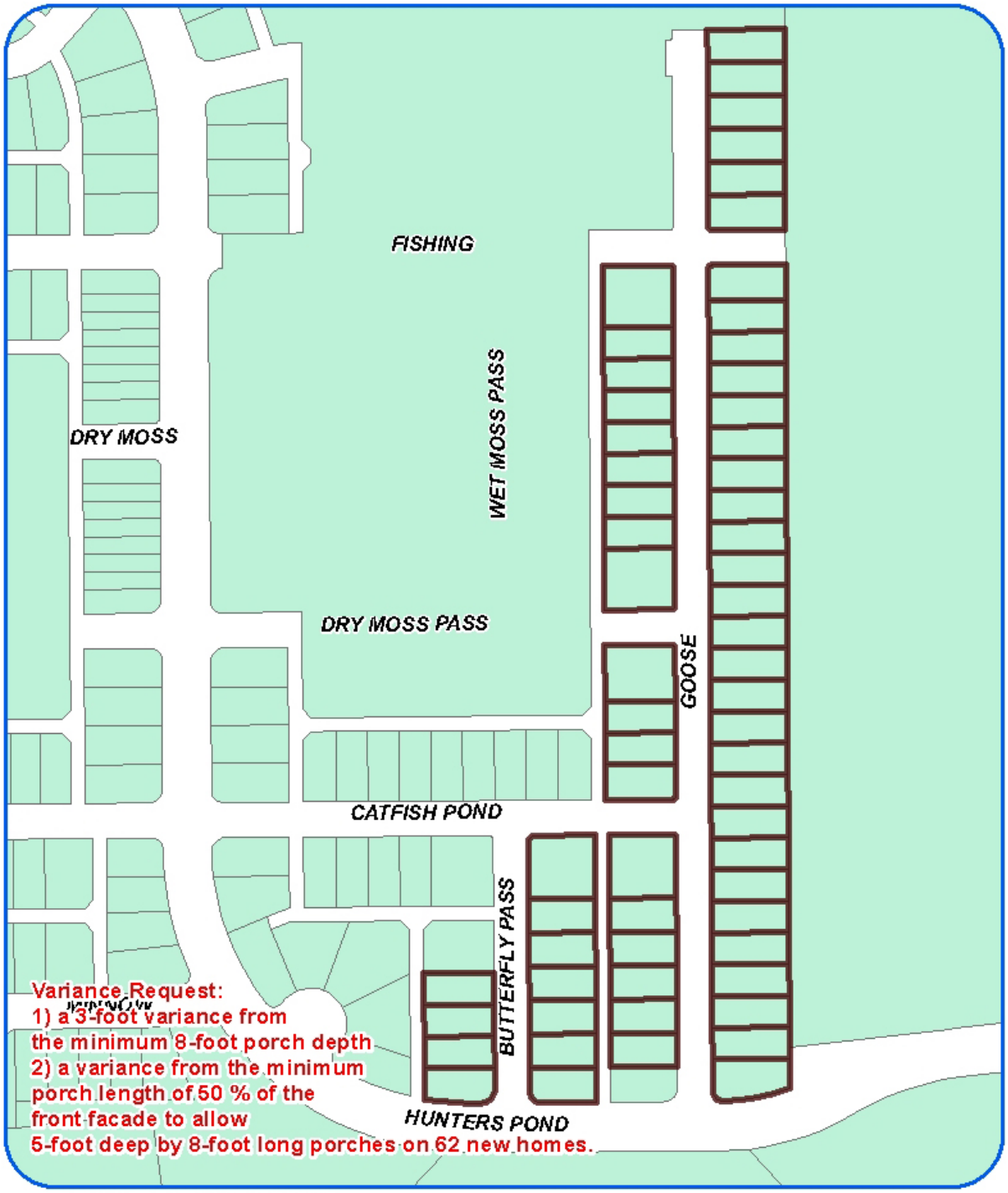
Attachments

Attachment 1 – Notification Plan (Location Map)
Attachment 2 – Plot Plan
Attachment 3 – Photos

Attachment 1
Notification Plan



Attachment 2
Plot Plan



Board of Adjustment

Plot Plan for
Case No A-12-054

Council District 3

Various

Development Services Department
City of San Antonio
19th November 2012

Attachment 3
Photos

5-feet in width

8-feet in length

City of San Antonio
Development Services Department
Staff Report

To:	Board of Adjustment
Case No.:	A-13-002
Date:	November 19, 2012
Applicant:	Phil Lane, General Manager of KSAT
Owner:	Post-Newsweek Stations
Location:	1408 N. St. Mary's Street
Legal Description:	Lot 24, Lot 6 and south half of Lot 7, Block 26, NCB 783 and a portion of abandoned San Antonio River channel out of NCB 783, save and except that portion conveyed to the City of San Antonio
Zoning:	"FBZ T5-1 RIO-2 AHOD" Form Based Zone Transect 5-1, River Improvement Overlay, Airport Hazard Overlay Districts
Prepared By:	Margaret Pahl, AICP Senior Planner

Request

The applicant requests a 1) a 4-foot variance from the maximum 4-foot fence height, as specified in UDC Section 35-514 to allow an 8-foot predominately open fence in the front yard, 2) a variance from the requirement for 80% frontage build-out, 3) a variance from the maximum 12-foot front setback, 4) a variance from the maximum12-foot side setback, 5) a variance from the prohibition against parking in the first lot layer and the requirement that parking be screened and 6) a variance from building disposition standards shown in UDC Tables 35-209-11 and 35-209-18 to allow demolition, renovation and construction of a two-story 15,000 square foot addition attached to and in line with the original building.

Procedural Requirements

A variance from the requirements of the zoning ordinance is a decision vested with the Board of Adjustment. State law prescribes specific factors that must be satisfied when deciding to grant a variance. The request was publicly noticed in accordance with Section 35-403 of the Unified Development Code ("UDC"). Notices were sent to property owners within two hundred (200) feet of the subject property on November 1, 2012. The application details were published in The Daily Commercial Recorder, an official newspaper of general circulation, on November 2, 2012. Additionally, notice of this meeting was posted at City Hall and on the City's internet website on November 16, 2012, in accordance with Section 551.043(a) of the Texas Government Code.

Executive Summary

The KSAT broadcasting studio has been operating from the subject location on St. Mary's Street since its inception in 1957. The original building has had various building additions over the years and the proposed addition is the subject of this requested series of variances. The owner plans to add approximately 15,000 square feet in two stories. After this construction is completed, the owner will demolish approximately 17,000 square feet of previous additions. The original 15,000 square foot building will be preserved. The construction phasing is especially important so that the station can continue broadcasting 24 hours a day, 7 days a week. This required non-stop operation restricts available options for the expansion and modernizing within the building and on the property.

The subject property also has unique property-related characteristics which limit its development options. In the mid 1950's, the San Antonio River Authority realigned a portion of the river nearby and a segment of abandoned river bottom was added to the original parcel in both the western and northern sections. The western section includes the frontage along St. Mary's Street. This soil has limited bearing capacity and cannot support a building without extraordinary stabilization measures. Since its incorporation into the original parcel, it has been used for landscaping and parking purposes. Future plans, if the requested variances are approved, include retaining these uses in these areas.

The applicant is requesting approval for a variance to allow an 8-foot tall ornamental iron fence in the front yard. Their desire is to create a secure exterior courtyard for their staff. The preferred location in the rear of the primary building is entirely hard surfaced and houses the 500-foot antenna structure and several satellite dishes, which cannot be relocated without service disruption.

The station operation requires a large amount of electricity. CPS is requiring a new 28-foot wide utility easement along the north property line to support a new electrical transformer. As such, power poles and overhead wires will be installed in the perimeter landscaping. Buildings are not allowed within this easement area. This easement is in the parcel's side yard. Lastly, an active public sewer main runs through the center section of the property under an easement granted in 1962.

River North

The 2.48 acre site is located on the north edge of downtown in an area identified as River North. This neighborhood has experienced some reinvestment and revitalization over the last decade. Recent initiatives include the adoption of the River North Master Plan, the creation of a Tax Increment Reinvestment Zone, the 1.3 mile San Antonio Riverwalk expansion to the museum, and the designation of the area with "FBZ" form based zoning.

The River North Master Plan established a vision to build on the existing assets in the area, preserving and re-purposing the historic structures and encouraging compatible new development on under-utilized intermittent industrial sites. The form-based zone was adopted as a tool to guide that redevelopment into traditional shapes and sizes that would complement the existing buildings. The concept of form based zoning is relatively new, but the development pattern it requires is evident in the established areas of every city and town. Some of the provisions of the district regulate building placement on the site, the building's relationship to

the street, and the location and visibility of parking stalls. These requirements are meant to reduce the potential contrast of more recent commercial site design trends of a building set back 50 feet from the street by a large parking area.

Form-Based Code

Section 35-209 of the UDC details the City's form-based code provisions. Table 35-209-18A1 details all of the standards unique to River North and specific to Transect 5-1. One of the first provisions requires 80% frontage build-out, *a percentage of a building façade that is required to be located between the minimum and maximum setbacks, measured as a proportion of the lot's width.* The front and side setbacks are established at a 12-foot maximum, in order to create an urban "main street" development pattern. Building disposition, defined as *the placement of a building on its lot,* reinforces these setback requirements and prohibits an "edge-yard building" which is a building placed in the center of a lot.

The applicant has determined that many of the design requirements in Table 35-209-18A1 pose an unnecessary hardship and requests that the Board of Adjustment grant six variances to allow their redevelopment plans to proceed. In the 65 years since their operation began, several trees in the front yard have grown to maturity. The front yard is also where the old river bottom is located. Compliance with the form-based zoning would require the removal of the trees and the building addition be constructed here. Instead, the applicant hopes to fence the area with ornamental wrought iron fencing mounted on a curb wall to provide a secure, outdoor refuge for the staff. It is this preference to avoid construction on the river bottom, and preserve the front yard landscaping for use as an outdoor courtyard, that is dictating many of the requested variances. The requested side yard variance is specifically related to the design requirement that the building extend to the side property line. On the subject property, this area is encumbered by a required 28-foot wide utility easement.

Another variance is the requested parking modifications. Section 35-209 (e) 5D requires that parking be located behind the first lot layer, defined by the building's front wall plane and that it be screened. The applicant has two distinct parking needs; one area that must be secured and another open for visitors. Secured parking is an issue for a variety of reasons. The first is that their staff arrives and leaves work at all hours. The second reason for enhanced security is the costly equipment installed in their news trucks. The site plan shows the secured parking pushed behind the first lot layer but visitor parking is proposed in front of the wall plane and without screening. Planning staff suggested that the applicant create a *dual purpose* parking area by installing brick pavers to transform the visitor parking area into a plaza feel. The applicant modified the plans to reflect this request. It would be inconsistent with staff's request to now screen it.

Subject Property Zoning/Land Use

Existing Zoning	Existing Use
Form-Based Zone-Transect 5-1, River Improvement Overlay-2, Airport Hazard	Television Broadcast Studio

Surrounding Zoning/Land Use

Orientation	Existing Zoning District(s)	Existing Use
North	Form-Based Zone-Transect 5-1, River Improvement Overlay-2, Airport Hazard	Fire Station
South	Form-Based Zone-Transect 5-1, River Improvement Overlay-2, Airport Hazard	Office
East	Form-Based Zone-Transect 5-1, River Improvement Overlay-2, Airport Hazard	Vacant
West	Form-Based Zone-Transect 5-1, River Improvement Overlay-2, Airport Hazard	School

Comprehensive Plan Consistency/Neighborhood Association

The subject property is located within the River North Master Planning area. An enhanced streetscape is included in the master plan and as a requirement in the FBZ. The station will be required to widen both the sidewalk along St. Mary and the one on Arden Grove as well, and add street trees 30-feet on center along each frontage.

The property is also located within the "RIO" overlay district, which requires review by the Historic & Design Review Commission. The proposed plans were presented, evaluated and approved by the Commission and the Historic Preservation Officer. Therefore, the applicant has completed this important step in the process and has a Certificate of Appropriateness for the construction as planned. The applicant was asked to modify the landscaping along Arden Grove and made those changes prior to this submittal.

The Downtown Residents Neighborhood Association was notified of this application and asked to comment. They responded in support of the request.

Criteria for Review

According to Section 35-482(e) of the UDC, in order for a variance to be granted, the applicant must demonstrate all of the following:

1. *The variance is not contrary to the public interest.*

The public interest is defined as the general health, safety and welfare of the public at large. A television station has the public interest at the center of its mission and its uninterrupted broadcasting is essential to the public. The requested variances allowing the building addition just north of the existing building, preserving the heritage trees, and avoiding the river bottom soils and the utility easement, are justified by the unusual property constraints. The fencing, while admittedly tall, will be open, generously landscaped and not contrary to the public interest. The enhanced streetscape and the addition of a brick parking plaza mitigate any impacts to the public interest.

2. *Due to special conditions, a literal enforcement of the ordinance would result in unnecessary hardship.*

A literal enforcement of the ordinance would require that the applicant eliminate the only substantial green space on the site. While the goal of form-based code is to re-establish a

pedestrian-oriented urban core, this block will never be consistent with that vision. The land uses on this block, a private school campus on the west side of the street and the broadcast studio on the east, are not interactive. The construction of a building along the frontage, with the type of security this business requires, is unnecessary. The applicant's proposed design approach, of a widened sidewalk with generous landscaping and the parking plaza balances the competing interests of the property related limitations and the demands of their broadcast mission.

3. *By granting the variance, the spirit of the ordinance will be observed and substantial justice will be done.*

The spirit of the ordinance is represented by its equal application to all citizens. In some cases, unique property-related characteristics warrant flexibility to the regulations. Mature trees have often constituted a property-related hardship justifying ordinance modifications. Many other factors are also restricting development options on this property. The peculiar shape fashioned by its historic proximity to the river channel, combined with its unique equipment and technology constraints, has proven challenging to designers and justifies the variances. The satellite dishes and the 500-foot tall signal tower could not be moved without service disruption and were the first priority in the redesign. Its Federal Communication Commission's mandate to remain on the air with continuous broadcast was a significant factor reducing typical design and construction options.

4. *Such variance will not authorize the operation of a use other than those uses specifically authorized for the district in which the property for which the variance is sought is located.*

The requested variances will not authorize the operation of a use on the subject property other than those specifically permitted in the FBZ T5-1, RIO-2, AHOD zoning district.

5. *Such variance will not substantially injure the appropriate use of adjacent conforming property or alter the essential character of the district in which the property is located.*

As in any established neighborhood on a downtown fringe, there are a variety of land uses, assorted buildings styles, and several properties in transition. Neither side of the subject block face is currently improved with buildings consistent with the standards of the form-based zone. Two neglected buildings share property boundary lines with the broadcast station. Vacant land sits across Arden Grove. The Catholic School Campus and City Fire Station have a stabilizing influence on the streetscape. The applicant's investment will have a positive influence on the area and hopefully encourage investment in the immediate vicinity. Though the proposed plans require variances from the UDC, granting these variances will not alter the essential character of the surrounding area or negatively impact property values.

6. *The plight of the owner of the property for which the variance is sought is due to unique circumstances existing on the property, and the unique circumstances were not created by the owner of the property and are not merely financial, and are not due to or the result of general conditions in the district in which the property is located.*

The applicant is requesting a series of variances from the form-based code to allow a building addition to the north of their existing building. They are also seeking authorization to fence their front lawn to create a secure courtyard for their staff. They assert that their 24-hour operation necessitates this extraordinary level of security. In addition, they fear that their business of broadcast makes them susceptible to a "fanatical element", which is certainly possible. The applicant is also seeking approval for a dual purpose parking plaza which requires

a variance from screening. Each of these requested variances results from circumstances unique to the property or their broadcast mission.

Alternatives to Applicant's Request

The alternative to the applicant's request is to clear the front yard of trees and relocate the proposed addition to the frontage as required.

Staff Recommendation

Staff recommends **approval of A-13-002,** based on the following findings:

1. The property is irregularly shaped and has a variety of restrictive easements and soil constraints which limit development options.
2. The property has several heritage trees along its frontage where compliance with the form-based code would require construction of the building.
3. The public interest is not harmed by increasing the allowed front and side setbacks.

Attachments

Attachment 1 – Notification Plan (Location Map)
Attachment 2 – Plot Plan
Attachment 3 – Applicant's Site Plan
Attachment 4 – Site Photos

Attachment 1
Notification Plan

Attachment 2
Plot Plan

Board of Adjustment

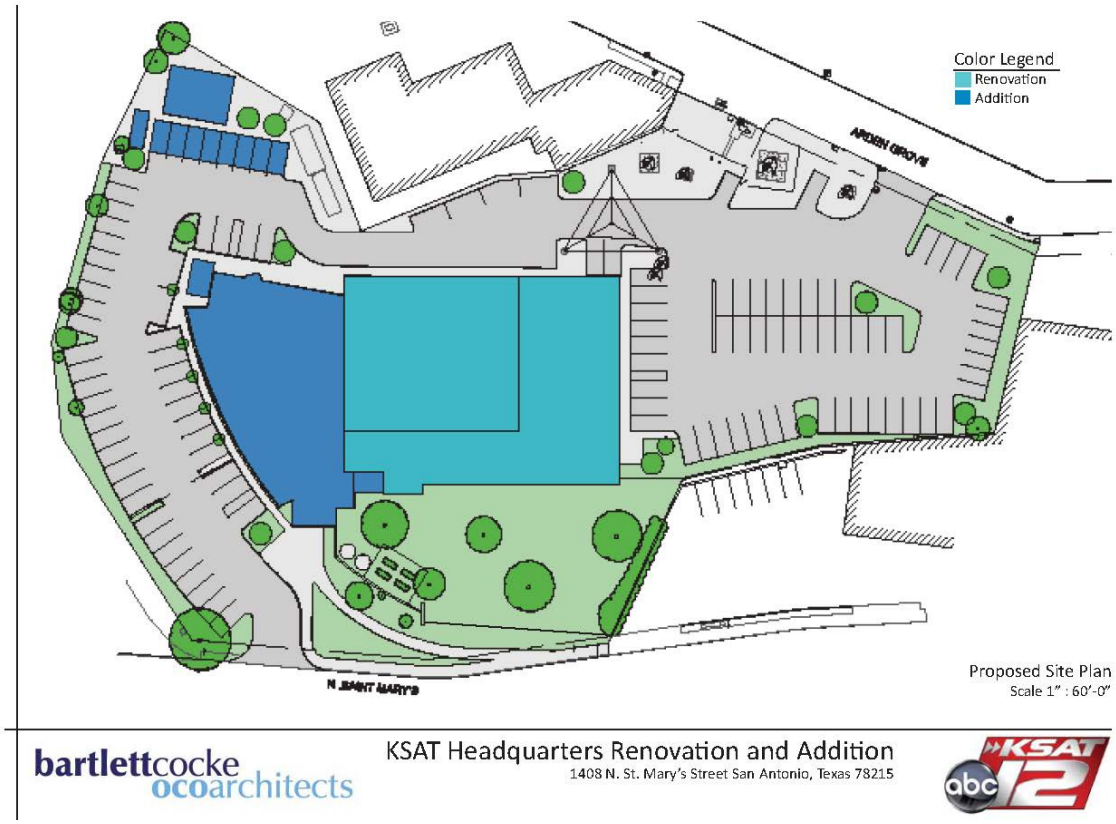
Plot Plan for
Case No A-13-002

1408 N. St. Mary's

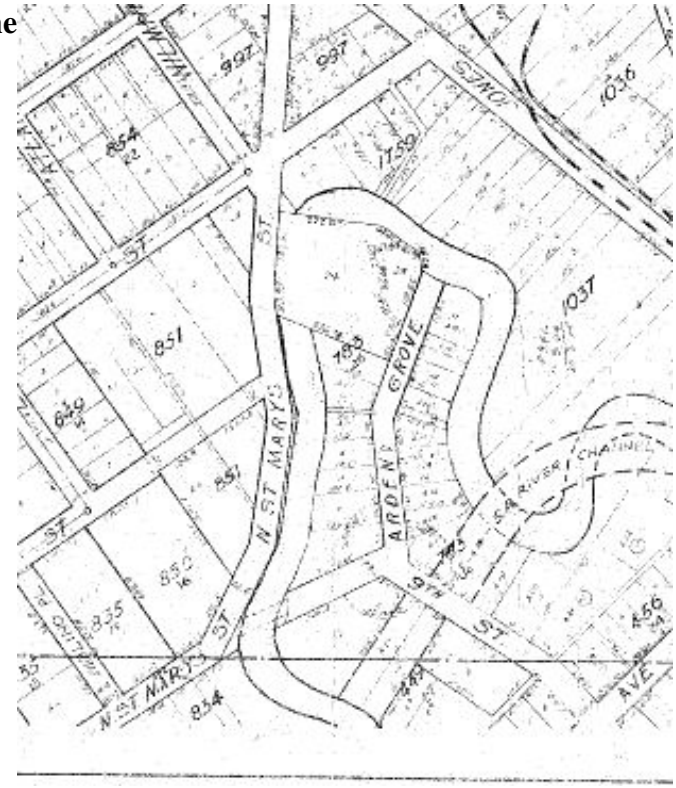
Council District 1

Development Services Department
City of San Antonio
19th November 2012

Attachment 3
Applicant's Site Plan



The Map showing the original river course



Attachment 4
Site Photos

City of San Antonio
Development Services Department
Staff Report

To:	Board of Adjustment
Case No.:	A-13-003
Date:	November 19, 2012
Applicant:	George M. Ryan, Texas Neon Advertising Company
Owner:	University of the Incarnate Word
Location:	9160, 9240, 9290 Guilbeau Road
Legal Description:	Lot 8, Block 126, NCB 18300
Zoning:	"C-3" General Commercial
Prepared By:	Tony Felts, Planner

Request

A request for 1) a 124 square-foot variance from the 500 square-foot maximum size allowed for a multiple tenant freestanding sign along a Type A Arterial in order to allow a multiple tenant sign 624 square feet in size; and 2) a 106-foot variance from the 150-foot minimum spacing distance for freestanding signs on a single lot in order to allow two freestanding signs within 44 feet of each other.

Procedural Requirements

The request was publicly noticed in accordance with Section 35-403 of the Unified Development Code ("UDC"). Notices were sent to property owners and registered neighborhood associations within two hundred (200) feet of the subject property on November 1, 2012. The application was published in The Daily Commercial Recorder, an official newspaper of general circulation, on November 2, 2012. Additionally, notice of this meeting was posted at City Hall and on the City's internet website on November 16, 2012, in accordance with Section 551.043(a) of the Texas Government Code.

Executive Summary

The subject property is located on the south side of Guilbeau Road, approximately 350 feet west of Tezel Road, and extends westward to Brickwood Road. Both Guilbeau Road and Tezel Road are "Type A" Arterials. The property is currently developed as a shopping center. The center also includes a part of the University of the Incarnate Word's Adult Degree Program. The site has several freestanding signs, some non-conforming.

The applicant is requesting to modify an existing non-conforming freestanding sign in order to add signage for the University of the Incarnate Word and Christus Santa Rosa, and rearrange other tenant panels. Adding the signage will increase the square-footage of the sign; however, the increase will be within the confines of the existing sign structure. Additionally, the sign is within 44 feet of another existing freestanding sign, and the applicant is requesting a variance for that non-conformity as well.

Subject Property Zoning/Land Use

Existing Zoning	Existing Use
C-3 (Commercial)	Shopping Center and University

Surrounding Zoning/Land Use

Orientation	Existing Zoning District(s)	Existing Use
North	R-6 (Residential Single-Family)	Middle School
South	R-5 (Residential Single-Family) & C-3 (Commercial)	Single-Family Residences and Vacant Commercial Land
East	C-3 (Commercial)	Shopping Center
West	R-5 (Residential Single-Family) & C-3 (Commercial)	Single-Family Residences and Vacant Commercial Land

Comprehensive Plan Consistency/Neighborhood Association

The subject property is located within the Northwest Community Plan and the North Sector Plan. The subject property is not located within the boundaries of a registered Neighborhood Association.

Criteria for Review

According to Section 28-247 of Chapter 28: Signs and Billboards, in order for a variance to be granted, the applicant must demonstrate:

1. *The variance is necessary because strict enforcement of this article prohibits any reasonable opportunity to provide adequate signs on the site, considering the unique features of a site such as its dimensions, landscaping, or topography;* ***or***

2. *A denial of the variance would probably cause a cessation of legitimate, longstanding active commercial use of the property; and*

   The subject sign on the property is existing, and is already out of compliance; likely due to pre-dating Chapter 28. Permits have been issued for refacings of the subject sign, and also for the freestanding sign that is within 44 feet of the subject sign. The sign structure consists of illuminated sign cabinets suspended between two 18-inch pipes and topped with a 20-foot by 4-foot illuminated shopping center identifier. There is currently approximately 2 feet of vacant space between the sign topper and the first cabinet. The applicant proposes to remove the first cabinet, and replace it with a larger one, filling all of the space between the topper

and the second cabinet. This proposed action will technically enlarge the sign area, even though a viewer may not perceive that the sign has actually been enlarged.

It is essential to provide the University of the Incarnate Word adequate space on the sign, as the University has a substantial presence at the shopping center and is the owner of the land. Additionally, the existing tenants of the shopping center must also be given deference in order for their businesses to survive. As such, granting this minor variance is necessary for the vitality of the shopping center.

3. *After seeking one or more of the findings set forth in subparagraphs (1) and (2), the board finds that:*

   A. *Granting the variance does not provide the applicant with a special privilege not enjoyed by others similarly situated or potentially similarly situated.*

      As previously stated, the sign is already non-conforming, and the casual viewer of the sign would not discern that the area of the sign has been expanded, since the enlargement is within the confines of the existing sign structure. Because the area of the sign structure itself is not being enlarged and the fact that both of the signs are existing, granting of the variance will not provide a special privilege to the applicant.

   B. *Granting the variance will not have a substantially adverse impact on neighboring properties.*

      Again, the signs are existing, and have existed for many years. Enlargement of the subject sign, as it is within the confines of the existing sign structure, will not adversely impact neighboring properties. As stated previously, the casual viewer of the sign would likely not notice that an enlargement has taken place.

   C. *Granting the variance will not substantially conflict with the stated purposes of this article.*

      The requested variance does not conflict with the stated purposes of the sign ordinance, particularly the goals of enhancing appearance and reducing visual chaos and distraction. Rather, the addition of the new sign cabinet will remove a void in the existing sign structure, and potentially enhance the experience of a viewer from Gilbeau Road.

Alternatives to Applicant's Request

The alternative to the applicant's request is to reface the existing cabinet of the non-conforming freestanding sign structure, leaving the void space and visual distraction in place.

Staff Recommendation

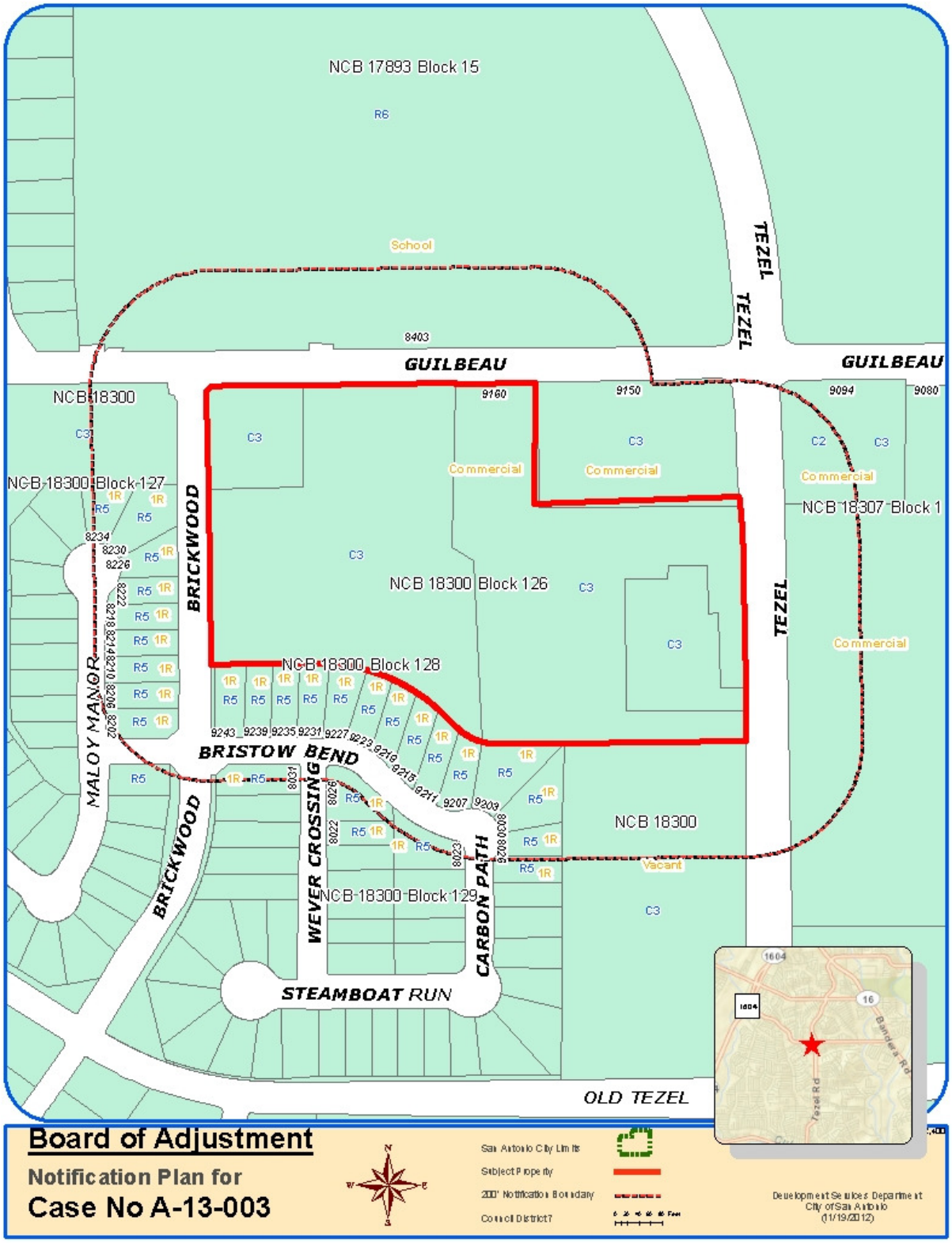
Staff recommends **approval of A-13-003,** due to the following reasons:

1. The improvements proposed will enhance the signage and make it less visually distracting.
2. The sign structure itself will not be enlarged.

Attachments

Attachment 1 – Notification Plan (Location Map)
Attachment 2 – Plot Plan
Attachment 3 – Existing sign elevation
Attachment 4 – Proposed sign elevation

Attachment 1
Notification Plan



Attachment 1 (Continued)
Notification Plan

Attachment 2
Plot Plan

Board of Adjustment

Plot Plan for
Case No A-13-003

Sign Location

Council District 7

9160 Guilbeau

Development Services Department
City of San Antonio
19th November 2012

Attachment 2 (Continued)
Plot Plan

Board of Adjustment

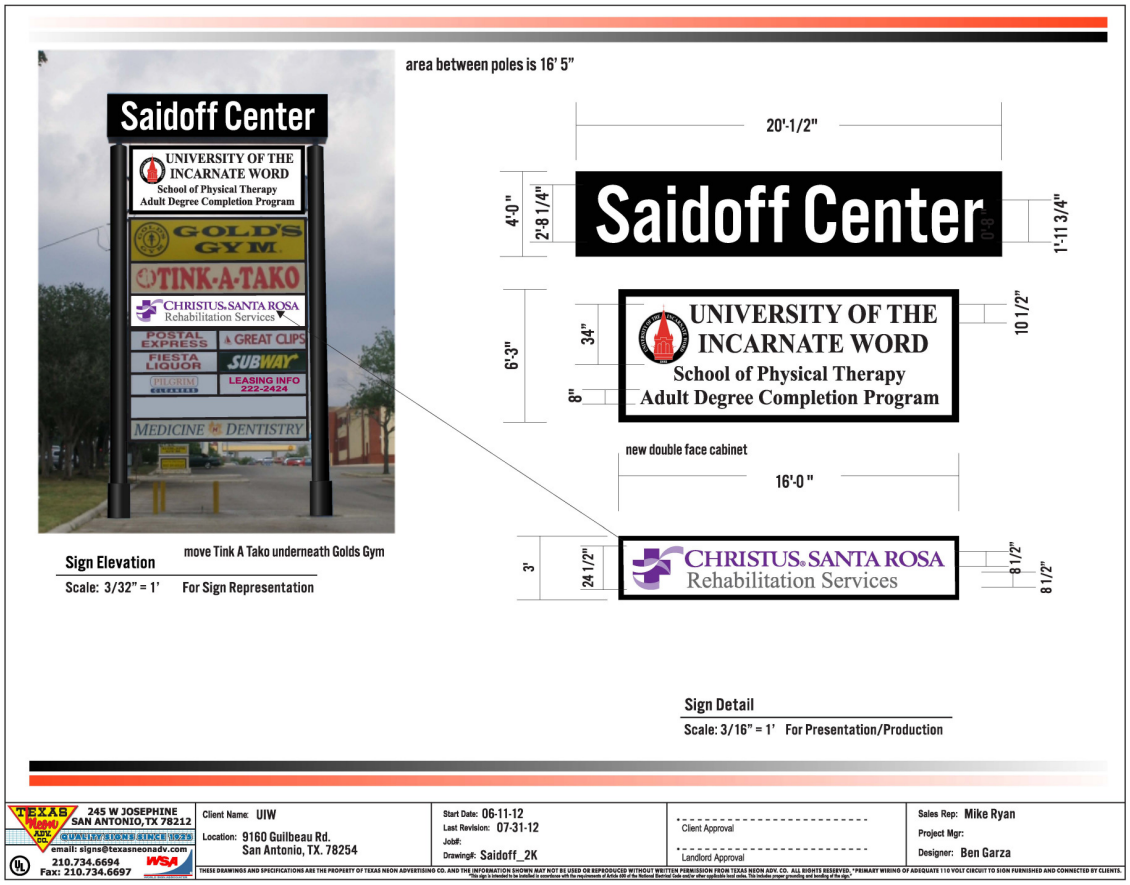
Plot Plan for
Case No A-13-003

Sign Location

Council District 7

9160 Guilbeau

Development Services Department
City of San Antonio
19th November 2012

Attachment 3
Existing Sign Photo

Attachment 4
Proposed Sign Elevation